

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15

DATE OF COMPLETION:

PAGE# 1 of 8

Officers Eric Reboli #1651 and Craig Tiffe #1312

SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

CATEGORY OF CONDUCT: ND FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: Two civilians complained to the Department of Police Accountability (DPA) that police officers responding to a call of a theft and violent dispute between two Spanish speakers could not communicate with the suspect in his native language, which may have led to the officers shooting the suspect. The complainants stated that because the named officers were unable to speak to the suspect in Spanish, they violated Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

Department General Order 5.20 states that officers shall take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. The order also states that in exigent circumstances such as threats to life, safety, or property, a member can deviate from established procedures.

Dispatch records showed that the A-priority call was about a man with a large knife chasing another man, both yelling in Spanish. The 911 caller was an eyewitness who told DPA he heard both parties yelling in what may have been a dialect other than traditional Spanish, while the suspect ran rapidly after the victim wielding a knife. He said both ran close enough to him that it was apparent the suspect intended to harm the victim.

The intended victim stated that he and the suspect spoke to each other in Spanish and that the named officers intervened as the suspect was running after him with a knife, intending to kill him.

One named officer stated that he did not hear radio broadcasts reporting the subjects were Spanish speakers. The other named officer stated that he heard the broadcasts, but his unit was so close to the reported location that he and his partner arrived before any other unit. Both officers described the situation as unfolding rapidly.

The named officer who first approached the suspect stated he identified himself as police, but the suspect appeared intoxicated, with a crazed look in his eyes. He said the suspect lunged at him, slashing toward his chest with a large butcher knife, and then raised the weapon to face level before running toward his partner, while continuing to chase his intended victim. Both named officers stated the suspect never spoke, and his attempts to stab the victim and both officers represented an exigent circumstance requiring deviation from established procedures.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15

DATE OF COMPLETION:

PAGE# 2 of 8

The DPA made indirect contact with three critical eyewitnesses. Multiple requests by DPA for their interviews were ignored or declined by counsel representing the estate of the deceased. Moreover, complainants and organizers of a coalition protesting some police shootings petitioned the DPA to stop the assigned DPA investigator from attempting to interview the three eyewitnesses. However, counsel allowed the District Attorney's office to interview them provided their testimonies would not be shared with S.F.P.D. or the OCC/DPA. Therefore, the DPA was unable to interview the eyewitnesses to the shooting.

No other witnesses came forward.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

Officers Eric Reboli #1651 and Craig Tiffe #1312

SUMMARY OF ALLEGATIONS #3-4: The officers failed to comply with DGO 5.08, Non-Uniformed Officers.

CATEGORY OF CONDUCT: ND FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: Two complainants not present during an officer-involved shooting complained that eyewitnesses reported that two plainclothes officers attempted to detain an armed suspect from behind, in darkness, without identifying themselves as police officers. The named officers were the officers initially responding to the incident, and who ultimately shot a knife-wielding assailant.

Department General Order 5.08 establishes policies regarding non-uniformed officers and requirements for identification before detention and arrest. The order establishes that officers shall not initiate such contacts except when witnessing an aggravated situation requiring immediate action to protect life or property.

A man who said he was the intended victim of the armed suspect told homicide inspectors that he was in the street near a parked car, being chased by a man with a knife, when both named officers, displaying their stars, exited their unmarked vehicle. The victim stated that everything happened rapidly, but had the named officers not intervened, the suspect would have killed him.

A 911 caller who reported the incident confirmed that he saw the suspect chasing the intended victim with a knife, but said he was no longer present when the officers interacted with the suspect.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15**DATE OF COMPLETION:****PAGE# 3 of 8**

The named officers stated they were about three blocks from the scene when they heard the broadcast of a call for service involving a man chasing another man with a knife. The officers stated that due to their proximity, they did not activate their lights or siren while responding in their car. One named officer said he pushed a button to alert dispatch they were responding as a backup unit, but there was no electronic or voice evidence found for their response. However, they were the first unit on scene. One named officer stated his star was clipped to his belt, fully exposed, when he approached the victim on the street and later on when the suspect advanced toward him on the sidewalk while making slashing motions with a knife. The other named officer said he announced himself as, "police," and held his star in front of his chest to show it as he approached the suspect and asked him to step away from a car. That named officer said the suspect gave no verbal response, appeared intoxicated and "looked through" him. The officer said the man had "a bloodlust-crazed look" in his eyes before lunging and slashing toward the officer's chest with a knife, and then running toward his partner and his original intended victim.

Two additional officers who arrived seconds after the officers discharged their weapons could not discern whether the named officers displayed their stars on their outermost clothing. Many officers who arrived thereafter gave conflicting accounts to DPA over how the officers displayed their stars.

No other witnesses came forward.

The evidence established that the incident was an aggravated situation, requiring immediate action by the named officers.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

Officers Eric Reboli #1651 and Craig Tiffe #1312

SUMMARY OF ALLEGATIONS #5-6: The officers used excessive force during a detention

CATEGORY OF CONDUCT: UF FINDING: PC DEPT. ACTION:

FINDINGS OF FACT: Two complainants stated that the named officers used excessive force when they discharged their firearms six times into the rear torso and back of the head of one of two men in a dispute, after that man had dropped a knife and was running away, thereby no longer posing a threat to officers or his intended victim.

Department General Order 5.01, Use of Force, as it read in 2015, defined unnecessary force as the type or degree of force employed that is neither necessary nor appropriate and any degree of force utilized as

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15

DATE OF COMPLETION:

PAGE# 4 of 8

summary punishment or for vengeance. Justification for the use of force, including lethal force, is limited to what is reasonably known or perceived by the officer at the time and facts discovered after the fact, no matter how compelling, cannot be considered in determining whether the force was justified.

The DPA reviewed the Homicide Detail case file and recordings, the crime scene report, two autopsy reports conducted by the San Francisco Medical Examiner and a private forensic pathologist, interviewed assigned homicide personnel, the CSI members who photographed, videotaped, and documented in a report this officer-involved shooting crime scene. DPA also interviewed the two officers involved in the shooting, the first four officers who arrived as backup, and patrol supervisors involved in briefing homicide, CSI, and directing the required tasks of first responders.

The DPA investigation established that the suspect and victim knew each other. For reasons unknown beyond a bicycle theft or a dispute over a cell phone, a verbal argument arose between them. The evidence further established that during the verbal argument on the street, the suspect entered his residence, retrieved a butcher knife and began a running chase of his intended victim around parked vehicles throughout a residential block. A 911 caller who reported the violent dispute said he watched as the suspect chased another man while both yelled in language like Spanish. DEM records and a SFMTA bus video further corroborated that the chase lasted several minutes before 911 was notified.

The named officers stated they responded to a call of a man chasing another man with a knife. When the officers arrived at the scene, they saw two men, apparently in a dispute. The first officer attempted to detain one subject in the street beside a parked car, while the second officer attempted to detain the other subject on the sidewalk side of the car. The officers said when they arrived, they did not know which subject had the knife.

The officer who approached the subject on the sidewalk said he announced himself as, "Police," and showed his star in case the subject did not speak English, while gesturing for the man to step away from the car, but the suspect did not respond and displayed a crazed, determined look. As the officer was struggling with the subject on the sidewalk, the subject resisted, and the officer attempted to take him to the ground. The officer realized his attempt to subdue the subject was not going to be successful, so he disengaged and pushed the subject away from him and jumped back. The subject countered by lunging at him and, with his right hand, made a stabbing motion across the officer's chest. Only when the subject raised his hand to face level did the officer say he saw a knife. He said at that time, he drew his weapon and yelled at the subject, who had turned and was facing the officer's partner, to drop the knife.

Meanwhile, the officer attempting to subdue the subject in the street saw his partner struggling with the man on the sidewalk, separated from the man in the street and ran to his partner's aid. The man he had been trying to subdue ran around the parked car in the street.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15

DATE OF COMPLETION:

PAGE# 5 of 8

At this time, both officers were at different locations on the sidewalk, aiming their handguns at the man with the knife. They said they ordered him to drop the knife or they would shoot. One officer said the man with the knife turned and moved past him, running toward the man in the street with his knife raised. That officer said he fired at least one shot to prevent the continued knife attack against the victim in the street. When he saw that the suspect just flinched at the shot and continued moving in between two parked cars, the officer said he repositioned to continue shooting, while hearing one shot from his partner on his left.

The other named officer said from the moment he drew his weapon, things slowed down and his focus was on the knife, but he saw the suspect take a step in his partner's direction somewhere to his right, swipe with the knife raised in his partner's direction, and then he heard shots. As those shots were fired, this officer said he saw the suspect still moving away, seemingly fixated on something in the street. The officer stated that, at that point, he could not be sure where the suspect's intended victim was, but that he had last seen the man on the street side of the parked car. The officer then saw the suspect take a step in between two parked cars, look down on the street, and raise the knife overhead. He believed the suspect was intending on harming the man in the street, which led him to fire his weapon once, after which the suspect dropped.

The SF Medical Examiner's toxicological report indicated that the level of alcohol in the suspect's body was measured at a point where subjects predictably experience stupor and severe impairment of all mental, physical, and sensory functions. The Medical Examiner's report indicated that the suspect would have had a high propensity for accidents, increased motor impairment, diminished comprehension, and impaired mental judgment.

The suspect's intended victim stated the officers saved his life.

The first back up officer on scene said the victim told him something to the effect that once the named officers showed up, the suspect turned on the officers, allowing him to move away.

Numerous witnesses on the street heard commands to either get on the ground or get down immediately before hearing discharges. The man who reported the dispute to 911 told the DPA that, based on his observations of the foot chase, the suspect's intent was to use the knife to harm the victim.

No other witnesses came forward. The DPA made contact with three witnesses, two of whom were described as having seen the shooting from a nearby porch, but those witnesses provided their account of the incident only to the District Attorney, and did not respond to requests to be interviewed by the DPA.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15

DATE OF COMPLETION:

PAGE# 6 of 8

The evidence established that the named officers had reasonable cause to believe that they and another person were in imminent danger of death or serious bodily injury. Given the totality of the circumstances, the named officers' use of their firearms was justified, lawful, and proper.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

[REDACTED]
SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to properly handle evidence.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: [REDACTED]

[REDACTED]

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DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/11/15

DATE OF COMPLETION:

PAGE# 7 of 8

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**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15

DATE OF COMPLETION:

PAGE# 8 of 8

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